THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No. 28470 of 1998

Date: 12th July,2007

Between:

Syed Ismail Basha

Petitioner

And

The Girijan Coop. Corporation Ltd.,
Visakhapatnam through it's Vice Chairman
and Managing Director and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No. 28470 of 1998

ORDER:

1. This writ petition has been instituted seeking directions to the respondent-Girijan Cooperative Corporation Limited to regularize the services of the writ petitioner who is working with them as a daily wage Typist. The petitioner rested his claim on the strength and basis of the scheme propounded by the State Government in G.O. Ms.No. 212, Finance & Planning (FW.PC.III) Department, dated 22-04-1994 wherein the services of such temporary employees who are in service as of 25-11-1993 and who have rendered five years service continuously was ordered to be regularized.

2. Heard Sri K.Raghuveer Reddy for the petitioner and Sri N.Sridhar Reddy, learned standing counsel for the respondents.

3. The respondents have specifically asserted in the counter affidavit that the writ petitioner did not put in five years of continuous service and he was also not in employment of the corporation as of 25.11.1993 and therefore, his case cannot be considered for regularization under the scheme propounded through G.O.Ms. No.212, Finance & Planning (FW.PC.III) Department, dated 22-04-1994. This apart, the Corporation has also asserted that the State Legislature has enacted Act 2 of 1994 which regulated appointments in

various offices and establishments of the State Government, State Government undertakings and Corporations and in view of the provisions of the Act No.2 of 1994, the case of the writ petitioner cannot be taken up for consideration.

4. Realizing the difficulties in the way, the learned counsel for the writ petitioner would suggest that the writ petitioner is continuing in service of the respondent-corporation and the respondents may be directed to continue him in service on the same terms and conditions provided the services of a typist are required or needed by the said Corporation. If the corporation requires the services of a Typist, I see no reason why they should replace the writ petitioner with any one else except by way of a regular appointee, particularly in view of the fact that he had been rendering service to the Corporation for so many years.

5. With this, the writ petition stands dismissed, but however, without costs.

_____

NOOTY RAMAMOHANA RAO,J

12-07-2007
Stp